

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Seekou Lee,

Civ. No. 21-267 (PAM/DTS)

Petitioner,

v.

**ORDER**

Merrick Garland,<sup>1</sup> Attorney General;  
Secretary of Homeland Security; David  
Pekoske, Director; Peter Berg, St. Paul  
Filed [sic] Office; Kurt Freitag,  
Sheriff;

Respondents.

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This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge David T. Schultz dated March 2, 2021. (Docket No. 12.) The R&R recommends denying Petitioner Seekou Lee’s Petition for a writ of habeas corpus (Docket No. 1) and Amended Petition for a writ of habeas corpus (Docket No. 10), and dismissing the action without prejudice, because Lee’s detention is mandatory and any challenge thereto is premature. See 8 U.S.C. § 1231(a)(2); Zadvydas v. Davis, 533 U.S. 678 (2001).

The Court has received no objections to the R&R and the time to do so has expired. See D. Minn. L.R. 72.2(b)(1) (providing that a party may file objections to a magistrate judge’s recommendations within 14 days). Therefore, the Court **ADOPTS** the R&R.

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<sup>1</sup> Pursuant to Rule 25(d), Merrick Garland is “automatically substituted as a party.” Fed. R. Civ. P. 25(d).

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R (Docket No. 12) is **ADOPTED**;
2. The Application to Proceed in Forma Pauperis (Docket No. 11) is **DENIED as moot**; and
3. The Petition for Writ of Habeas Corpus (Docket No. 1) and Amended Petition for a Writ of Habeas Corpus (Docket No. 10) are **DENIED and this matter is DISMISSED without prejudice**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: Tuesday, March 30, 2021

*s/ Paul A. Magnuson*  
Paul A. Magnuson  
United States District Court Judge